

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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In the Matter of:

United States Department of Justice,  
Federal Bureau of Investigation and Drug  
Enforcement Administration

RM-10865

Joint Petition to Resolve Various  
Outstanding Issues Concerning the  
Implementation of the Communications  
Assistance for Law Enforcement Act

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**COMMENTS OF THE RURAL IOWA INDEPENDENT TELEPHONE ASSOCIATION**

The Commission sought comments on the Joint Petition to Resolve Various Outstanding Issues Concerning the Implementation of the Communications Assistance for Law Enforcement Act (CALEA). Implementation of CALEA already imposes severe problems on rural telephone carriers because certain equipment cannot be made CALEA compliant and because in other instances, the cost of compliance is too great to reasonably spread among a small number of customers.

Rural Iowa Independent Telephone Association ("RIITA") offers these general comments on the potential issues addressed in the joint petition. RIITA is a non-profit association of rural independent telephone companies, representing approximately one hundred and thirty Iowa incumbent local exchange carriers. All of RIITA's members actually serve fewer than 15,000 access lines. Approximately one-half of its members serve fewer than 1000 lines.

The small size of rural Iowa independent carriers places unique burdens on the customers of the companies. If costs are placed on carriers to comply with expensive equipment, the companies cannot spread those costs reasonably and customers face large rate increases. Those customers already face potential rate increases from number portability requirements and telephone CALEA requirements. Many of these carriers are also internet providers and would now face additional costs.

RIITA strongly urges the Commission not to impose these costs on carriers and not to “permit” carriers to pass the costs to their customers as argued in the joint petition at pages 64-67. The joint petition asserts that the “costs of CALEA compliance for any particular ratepayer would be minimal,” at page 66. This unsupported claim is false. For rural customers, the costs would not be minimal and any requirement should only be made with a funding mechanism in place first.

RIITA urges the Commission to reject this portion of the joint petition.

In addition, RIITA draws the Commission’s attention to the issues raised regarding Voice Over Internet Protocol. The joint petition argues that broadband telephony services should be considered telecommunications services for purposes of CALEA. In this respect, the joint petition is correct. For the reasons stated in the joint petition, broadband telephony provides the same service as the traditional public switched network. RIITA adds that broadband telephony, for most available products, travels at various points over that very network. The joint petition points out at page 30 that “Given the obvious similarities between broadband telephony and traditional circuit-mode telephony, the Commission could find that many, if not all providers of broadband telephony services constitute ‘telecommunications carriers’ for purposes of the Communications Act.”

RIITA has consistently stated this point to the Commission. In dockets related to voice over internet protocol, RIITA has noted that telecommunications services are the same regardless of the medium used and that all providers of telecommunications services should be regulated the same way, rather than favoring one type over another.

RIITA maintains that all telecommunications service providers should be subject to similar cost regulations, whether related to E911 or CALEA. Further, the costs of these services should not be assumed to be minimal if spread over a company's customers. CALEA regulations must take into consideration the reality of rural independent customers and rural independent telephone companies.

Respectfully Submitted,

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